



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 3967-99
6 January 2000

LTCOL [REDACTED] USMC RET
[REDACTED]
[REDACTED]

Dear Colonel [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Department Board of Decorations and Medals, dated 15 September 1999, a copy of which is attached. They also considered your two letters of 9 October 1999, each with enclosures, and your letters of 26 December 1999 with enclosure and 3 January 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board was unable to find that you rated the Legion of Merit, rather than the Meritorious Service Medal. They were not persuaded that your performance of outstanding service was exceptionally meritorious, such that you should have received the higher commendation. They were likewise unable to find a limit had been set on awards, or that the Marine Corps would have concurred with the recommendation that you receive the Legion of Merit. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

1650
NDBDM 002
15 Sep 99

From: Secretary, Navy Department Board of Decorations and
Medals (NDBDM)
To: Chairman, Board for Correction of Naval Records
Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN THE CASE OF
LTCOL [REDACTED], USMC (RET) [REDACTED]
Ref: (a) BCNR Ltr BJG Docket [REDACTED] 02SEP99

1. In accordance with reference (a), NDBDM has reviewed the case of LTCOL [REDACTED] with the following results:

- The award of the Meritorious Service Medal was presented by the Army in 1974, and received a full review with denial for upgrade in 1987 by the Army.
- The award was reviewed for upgrade by the Marine Corps and denied by referral to the Army in 1996.
- Navy does not have authority to change an award issued by Army. Navy can recommend a change to Army, however, this action is not appropriate in this case.
- Approval of an additional award for the period based on the information provided is not appropriate as it would constitute dual recognition for the same period.

2. In summary, the award issued to LTCOL [REDACTED] is appropriate in all respects and should not be changed.

[REDACTED]
By Direction